

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-CR-00255-RJC

USA

v.

DOMINIC XAVIER MCDONALD (2)

---

)  
)  
)  
)  
)  
)

ORDER

**THIS MATTER** is before the Court upon a motion by the defendant pro se challenging his sentence under the Armed Career Criminal Act. (Doc. No. 64).

The defendant asserts that his prior burglary convictions no longer qualify as predicates under recent Supreme Court decisions. His judgment became final in 2017 after it was affirmed by the United States Court of Appeals for the Fourth Circuit. (Doc. No. 46: Opinion; Doc. No. 49: Mandate). Accordingly, such a claim must be raised pursuant to 28 U.S.C. § 2255.

**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 64), is **DISMISSED** without prejudice. The Clerk of Court is directed to send the defendant a copy of the Pro Se Prisoner 2255 Motion to Vacate Form at the place of his incarceration.

Signed: August 8, 2022



Robert J. Conrad, Jr.  
United States District Judge

